

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.28155 OF 2005

DATED:2.1.2006

Between:

Smt. B. Lalitha ...Petitioner

And

The Govt. of A.P.,

Rep. by its Secretary, Revenue

Hyderabad and another

...Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.28155 OF 2005

ORDER:

The petitioner claims to be owner and possessor of land admeasuring Ac.1.08 gts. in S.No.378/24 and Ac.0.26 gts. in S.No.378/21, situated at Pratapsingaram Village, Ghatkesar Mandal in Ranga Reddy District. She claims to have purchased the said land under registered sale deed dt.28.3.1993 from the legal heirs of Marpalli Narasimha, who was allegedly pattadar of the land. Be that as it is, the second respondent initiated action under the provisions of A.P. Assigned Lands (Prohibition of Transfers) Act, 1977 (hereafter called, the Act) and issued a show cause notice on 16.3.2005 calling upon the petitioner to show cause as to why the land should not be resumed to the Government duly cancelling the assignment made to the assignee. The petitioner submitted explanation on 31.3.2005. It is the case of the

petitioners that the second respondent has not conducted enquiry and has not passed any orders, but on 27.12.2005 the second respondent along with his subordinate officials came to the land and took measurements of the land with a view to take possession of the land. Aggrieved by the same, present Writ Petition is filed.

The learned counsel for the petitioner strenuously contends that the second respondent has not passed any orders and the petitioner is still in possession of the land. He would urge that without passing any orders under Section 4 of the Act, it would be improper for the second respondent to forcibly dispossess the petitioner. Alternatively, the petitioner's counsel submits that the petitioner herself is landless poor person and therefore she cannot be evicted from the land even if the purchase is in violation of Section 3(2) of the Act.

Learned Assistant Government Pleader for Revenue (General) obtained instructions from the respondents. He submits that pursuant to show cause notice issued by second respondent the petitioner submitted explanation, the same was considered and second respondent passed orders on 20.5.2005 vide proceedings No.B1/940/2005 and the land was resumed under cover of panchanama on 30.5.2005. The learned counsel Assistant Government Pleader also submits that the copies of the order were refused by the petitioner and therefore the same were affixed on the site, and office of the Gram Panchayat, Pratapsingaram Gram Panchayat under cover of panchanama.

Now that the Mandal Revenue Officer has already passed orders, it shall be open to the petitioner to obtain copy of the proceedings and file appeal before the Revenue Divisional Officer under Section 4-A of the Act. The submission of the learned Assistant Government Pleader that the Government has already taken possession of the land is recorded. However, to enable the petitioner to file appeal and obtain appropriate orders, there shall be a direction to the second respondent not to assign the land to third parties for a period of eight weeks. In the meanwhile, the petitioner may obtain copy of the order of the Mandal Revenue Officer and file appeal before the Revenue Divisional Officer, who shall dispose of the same within a period of four weeks from the date of receipt of the appeal.

The Writ Petition is accordingly disposed of.

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(V.V.S.RAO, J)

2.1.2006

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